

SPOONER ENDS HIS ARGUMENT

Declares Proviso of Mr. Bailey of Texas to Be a Mere Legislative Mandate.

TILLMAN GETTING RESTIVE

WILL DEMAND VOTE THE FIRST OPPORTUNITY.

Washington, April 27.—At the beginning of today's session of the senate a bill amending the existing laws relative to notices of land entries so as to require that papers in which they are printed shall be in the county or district in which the lands are located, was passed.

Mr. Spooner then resumed his speech on the railroad rate bill, again taking up the question of the distinction between judicial power and jurisdiction. Replying to Mr. Bailey, he said that owing to the fact that the powers are totally different, it cannot be said that one is greater than the other.

Mr. Spooner also took up the Bailey non-suspension amendment, saying that if it should become law the courts would be deprived of the power of granting relief, even if the rates fixed should be confiscatory.

"Is it possible," he said, "that congress can substitute its judgment in such a proceeding for the judgment of the court?"

Injunctions Defined.

Injunctions he declared to be the right arm of equity, and said that without them there would be no preventive relief. He added:

"I do not believe that it is in the power of congress to take away from the inferior courts any process necessary to its jurisdiction. Jurisdiction may be withdrawn, but with jurisdiction undisturbed we are powerless to emasculate those courts and deprive them of the power to execute their decrees. Congress cannot give jurisdiction and yet withhold it."

He declared Mr. Bailey's proviso to be a mere legislative mandate to the inferior courts to decide all cases in favor of the government.

Mr. Spooner declared that he had no desire to exalt the judiciary unduly, but he agreed with Chief Justice Taney that the supreme court is as important to the country as the president.

Spoke Two Hours.

Mr. Spooner closed at 2:45 p. m. after speaking two hours, and Mr. Clark of Arkansas announced the postponement of his speech until Monday.

Mr. Allison expressed the hope that the discussion of the rate bill would go on, saying that if congress was to finally adjourn before the last of August it was necessary that the debate proceed without delay.

Mr. Foraker suggested that some of the amendments be taken up for disposal, but Mr. Tillman objected that this should not be done without notice to absent senators. He gave notice that on Monday he would hold the senate to the requirement that it should begin voting if no one was prepared to speak.

Mr. Clark gave notice that he would call up the Indian appropriation bill tomorrow.

After passing a number of pension bills, the senate went into executive session and adjourned at 2:55 p. m.

Salt Lake Photo Supply Co.

Kodaks & developing Main & 34 So.

MINING EXCURSION.

To Tintic, April 29.

Special train via the Rio Grande leaves Salt Lake 8:30 a. m., returning leaves Mammoth 7:10 p. m.; Eureka 7:30 p. m. Baseball game at Eureka. Everybody invited.

Eat your lunch in the Palm garden at the Royal.

SIBERIAN CITY FLOODED.

St. Petersburg, April 27.—A telegram received here today from Krasnoyarsk, Eastern Siberia, reports that two-thirds of the city of Yeniseisk has been flooded by the rising of the Yenisei river. The people have taken refuge on the roofs of their homes. Hundreds of houses have been damaged.

DAUGHTER ACQUITTED.

Grants Pass, Ore., April 27.—Dora Jennings has been acquitted of the murder of her father, Newton M. Jennings, who last September was shot and killed in the house while his children slept. Her brother Jasper is under conviction for the crime.

SEIZED BY MEXICANS.

Washington, April 27.—The state department today received the following telegram from Edward S. Thompson, American consul at Progreso, Mexico, dated yesterday:

"Three American fishing smacks seized by Mexican gunboats. Particulars by mail."

AGREEMENT REACHED.

Pittsburg, April 27.—Final agreement was reached today between the operators and miners of the Pittsburg district on wages and conditions to rule in this district for the next two years. While the agreement is based on the 1905 wage scale, the miners secured several concessions.

ART COLLECTION SOLD.

New York, April 27.—The art collection of the late Joseph Jefferson was sold at auction tonight, a total of \$28,125 being received. Top prices were brought by Mauve's "Return of the Flock," which sold for \$12,500. The painting cost the actor \$2,500.

POSTUM

has saved many a

COFFEE-RUINED

NERVOUS

SYSTEM.

"There's a Reason."

OGDEN RAILS.

Office, 2484 Washington Avenue.

Ogden, Saturday, April 28.

TWO LINES TO OGDEN CANYON

Rapid Transit Company Puts Gang of Men to Work Clearing Brush.

The Ogden Rapid Transit company had a gang of men busy yesterday clearing brush from their proposed right of way to the mouth of Ogden canyon, and it is stated that active construction work will be commenced this morning. This action indicates that there will be two roads to the canyon, and both lines are now practically in course of construction.

The Bamberger line has a large force of men at work between Ogden and the canyon doing the grading. The contract for this work calls for its completion within sixty days. Two weeks of this time has already passed and the work is being rushed. Every indication points to the fact that the road can begin laying steel tracks in the middle of June, possibly completing the line by July 1.

The same company is at work south of Ogden completing the line into this city from Salt Lake. It is expected that they will reach the Weber river within sixty days. The construction of the bridge over Weber river together with the grading of the high water that are now flowing down that stream. Until that time the abutments for the bridge cannot be put in. This, however, should not cause any great delay and the road will probably be completed from Salt Lake to the mouth of Ogden canyon by the middle of the summer.

PIONEER WOMAN DIES.

Crossed the Plains in the Early Days.

Mrs. Martha Luty, who had been a resident of Ogden for about fifty years, died at her home, 2123 Jefferson avenue, about 6:30 o'clock yesterday morning. Death resulted from an acute hemorrhage of the lungs.

Deceased was 82 years of age. She had spent the previous evening with friends and was apparently in good health. She retired as usual, awoke at 5:30 in the morning, called to her husband, who was critically ill, and died one hour later.

Mrs. Luty was born in England, May 14, 1823. Mrs. Luty crossed the ocean with a body of emigrants and crossed the plains as many of the earlier pioneers had done. She lived in Ogden for many years. She was a member of the Methodist church and was a devout Christian. She was a pioneer of the Southern Pacific shops at Carlin, Nev. As soon as he arrives the funeral arrangements will be completed.

ASSIST IN CAPTURE.

Escaped Vagrants Are Again in Custody.

Special Agent Bert Vance of the Southern Pacific company returned to Ogden yesterday from Hazen, Nev., where he assisted in making an arrest that he says gave him much satisfaction. When Vance was a member of the police department he, together with Officer Orrin Hadlock, had a hard fight with a gang of hoboes in the jail. The police department yesterday escaped with the manacles on their wrists and had to be taken to the jail. Mr. Vance and Deputy Sheriff Simmons captured the same men at Hazen at the point of a gun. They again put up a hard fight but this time they were clubbed into submission and were landed in jail. They were wanted for burglary but as the case against them could not be proven they were sent up as vagrants.

STATE NEWS

VICTIM OF MINE ACCIDENT

Body Arrived at Eureka Last Night and Funeral Will Be Held Tomorrow.

Eureka, April 27.—Word has just been received this evening that the body of John Baker, son of Mrs. Dora Koahl, who was killed in a mine accident at Phoenix, Ariz., on April 6, will arrive in Eureka tonight. The funeral will be held tomorrow at the home of his brother, R. E. Baker, in this city; interment in Eureka city cemetery.

FIRST TRAIN IS RUN.

Hundred Excursionists Travel Over Bamberger Road From Kaysville.

Kaysville, April 27.—The first train to run over the Salt Lake & Ogden railroad from within Kaysville city limits carried the Davis county delegation to Salt Lake yesterday morning to join the Manufacturers & Merchants' excursion to Mant. The train left Kaysville at 6:10 a. m., and by the time the Bountiful contingent with its band was aboard it carried about 100 excursionists.

NEPHI AIDS SUFFERERS.

Citizens Organize Committee to Gather Provisions.

(Special to The Herald.) Nephi, Utah, April 27.—The citizens of this city have been busily engaged in gathering provisions for the sufferers of San Francisco, and tomorrow morning a car of supplies will be shipped over the Salt Lake Route to the Golden Gate city. A committee was organized to gather the foodstuff for the stricken city's inhabitants. The consignment consists of eleven and one-half tons of flour, five and one-half tons of potatoes, one-half ton of honey, 100 pounds of butter, five cases of eggs, 1,400 pounds of bread, 100 pounds of cheese, 1,000 pounds of dried fruit, 300 pounds of coffee and salt, and one ton of clothing and bedding.

TURKISH TROOPS ACTIVE.

London, April 28.—A dispatch from Port Said to the Daily Mail reports that Turkish troops have occupied El Arish, on the Egyptian-Syrian frontier.

LOAN A SUCCESS.

St. Petersburg, April 27.—The new loan has been so largely oversubscribed in Russia that subscribers have been notified that they will receive only one of twenty shares subscribed.

FRUIT TREES CONDEMNED

Horticultural Board Takes Decided Stand.

Another large batch of fruit trees were condemned at Ogden yesterday by the state board of horticulture and the trees were destroyed. Secretary Hickenlooper of the board said yesterday that a majority of the trees received here this spring were in good condition, but that every one in a while an effort was made by the eastern shippers to work off a load of diseased trees. The trees condemned were apple trees, and were found to be affected with crown gall. When the nurserymen discovered that the trees were affected they joined with the board in destroying them. Heretofore a great many diseased trees came into Utah through this channel and every effort is now being put forth to prevent any more such trees from being received.

WANTS HEAVY DAMAGES.

Files Suit Against Union Pacific Railway.

Complaint was filed yesterday by Attorneys Maginnis & Corn, acting for William Edwards, against the Union Pacific Railway company in which damages are asked for in the sum of \$51,000. All but \$1,000 of this amount is asked for alleged injuries received by the plaintiff through the bursting of a dam across Beaver river at Evanston, Wyo. Edwards alleges that the bursting of the dam caused the river to break and that he was injured by the ice and water. The additional \$1,000 is asked for damages to his property from the same cause.

RECEIVES GOLD MEDAL.

The Utah Canning company yesterday received from the management of the Lewis and Clark exposition the gold medal awarded them for their display of "Canner" canned goods at the Portland fair.

OGDEN BRIEFS.

District Attorney Halverson was at Farmington yesterday in connection with the case of the state against Samuel E. Doeman, who is charged with criminal assault. Doeman was held to the district court.

The Rocky Mountain Trust company received 100,000 trout fry yesterday and the same were taken to their hatchery at Huntsville and planted. This makes a total of 600,000 fry received by that company this year.

The funeral of Mrs. Martha Luty will be held from the Fourth ward meeting-house at 1 o'clock Sunday afternoon. The remains may be viewed between 12 o'clock a. m. at the residence. Interment will be in the city cemetery.

The local Elks' lodge gave a musical entertainment and dance at Tuller's dancing academy last evening. A number of musical specialties by the Polmatier sisters were presented, after which the men of the company formed an orchestra and rendered music for the dance.

The funeral of Mrs. M. M. Adams, daughter of Mr. and Mrs. Joseph Adams, will be held from the Fourth ward meeting-house tomorrow afternoon. The remains may be viewed at 225 Second street between the hours of 10 a. m. and 2 p. m. tomorrow.

The board of education held a short session last evening. The finance committee reported cash on hand in the sum of \$24,188.66. Four applications for positions as teachers were received. The plans for enlarging the Lewis school to a twelve-room building were placed before the board and discussed at length. No definite action was taken on the matter.

MAKES A GREWSOME FIND

Skeleton of Man Discovered in Brush Near Colton—Small Clue for Identification.

(Special to The Herald.) Provo, April 27.—Sheriff Harmon received a letter this afternoon from Michael Barclay, Jr., of Colton, saying that he found the skeleton of a man in some brush about four miles east of that place. The man had evidently been dead about two months, and the flesh had been entirely eaten away by wild animals. Pieces of clothing found near the skeleton indicated the man to be well dressed, but there was no name or any means of identification except a baggage check from Kansas City to Scofield. The sheriff will go on tomorrow and have the remains removed to Colton, and will also institute inquiry as to the man's identity by means of the baggage check.

MAY LOSE HIS FOOT

Man Taken From Baggage Trucks of No. 3 at Wood's Cross Badly Injured.

(Special to The Herald.) Kaysville, April 27.—A man giving his name as Ed Sweeney, was found on the tracks of the baggage car of train No. 3 at Wood's Cross at 6:56 this evening with his foot so badly injured that amputation may be necessary. The man had been drinking, and this, together with the fact that he was carrying a large quantity of liquor, prevented him from giving any statement as to the cause of the accident. Dr. Van Cott attended the injured man and he was taken to the L. D. S. hospital this evening.

PROVO NEWS NOTES.

Provo, April 27.—Inspector Benedict of the United States forest reserve department is now arranging with stockmen for grazing privileges on the Utah forest reserve. He has appointed J. Carl Allred as forest guard with headquarters at Provo, and Nathan E. Snell of Spanish Fork, forest ranger with headquarters at Spanish Fork, and L. J. Workman of Vernal to a similar position with headquarters at Colton.

A marriage license has been issued to David H. Holt of Spanish Fork, aged 19, and Myrtle Averett of Springville, aged 19.

The Winn Ditch Irrigation company, organized with a capital stock of \$222,500, a manager and distribute water for irrigation, owned by the incorporators in Highland precinct, has filed articles of incorporation with the county clerk. The officers and directors are: L. Healey, president; W. J. Chadwick, secretary; William Chadwick, treasurer.

Mrs. Ed. Sutton and Mrs. W. E. Stoker of this city have undergone operations in Salt Lake hospitals. Their condition is reported to be favorable to recovery.

A theater party of sixty people is coming down from Salt Lake to see "Richard III" to be presented in the opera-house here tomorrow night by Dr. and Mrs. Byron W. King and their Heber City students. A large number of people will also come from Heber and from Utah county towns.

W. H. Ray & Co., the insurance men of this city, who represent many prominent insurance companies, have been informed by each of their companies that its losses from the San Francisco fire

will be promptly paid and that the company will not be crippled.

The committee from the Utah County Fair association, which went to Ogden to inspect the Weber county fair grounds, has returned with much valuable information. They also report that the Junction City horsemen are interested in the completion of the race track here, which will be in time for meets this summer and expressed the hope that a racing circuit may be established that will take in the two cities.

The Brigham Young university domestic science girls are sewing articles of clothing to be sent to San Francisco. Mrs. Jennie Musser, whose experience in the San Francisco disaster have been mentioned in The Herald, addressed the Brigham Young university students to day and gave a graphic account of conditions in San Francisco during and after the earthquake.

Professor A. C. Lund was a Salt Lake visitor today.

President W. H. Smart of the Wasatch state was a visitor to Provo and addressed the students of the Brigham Young university. He advised the young men to secure land and make homes for themselves.

Mr. Garline of Salt Lake lectured before the B. Y. U. agricultural students yesterday on the "Care of Poultry."

DAVIS COUNTY'S LIBERALITY.

Kaysville, April 27.—Kaysville has raised \$250 for the San Francisco sufferers, and a carload of flour is being sent forward to the relief committee. The Commercial club has the matter in charge and the money that has not been raised will be to complete payment for the flour.

The Farmington Commercial club has joined Kaysville in this worthy effort, and has subscribed \$50. The Bountiful Commercial club is also making collections and has signified its desire to augment the shipment of foodstuff by a generous contribution. The three clubs are working in harmony in the matter, and the generous people are rallying to their support.

Thriftful has already sent \$100 to the Salt Lake Commercial club.

A mass meeting of the citizens of Layton has been held and a committee is at work gathering contributions of flour, meats, clothing, bedding and useful articles, which will be forwarded at once. Generous response to the appeal is being made all over Davis county.

AGREEMENT SIGNED.

London, April 28.—The Times' Peking correspondent, cabling under date of April 27, says that Sir Ernest Satow, the British minister, and Tang Shao Ki, president of the board of foreign trade, have signed an agreement embodying Chinese adhesion to the Anglo-Tibetan convention. The agreement provides for ratification within three months.

MUSICAL AUTHOR DEAD.

New York, April 27.—Florence Clinton Sutro, founder of the National Federation of Musical Clubs and Societies, died here today. She was the wife of Theodore Sutro, the lawyer and author of legal works. Mrs. Sutro herself was the author of several musical treatises.

"THE MAN WITH THE HOE," MILLET'S MASTERPIECE, BELIEVED TO BE BURNED

Copy of Millet's famous masterpiece, which it is believed was destroyed in San Francisco flames.

Among the famous works of art believed to have been destroyed in the flames at San Francisco was Millet's picture, "The Man With the Hoe," rendered doubly celebrated by Edwin Markham's poem, which it inspired.

The picture was in the residence of William H. Crocker, who acquired it sixteen years ago. It was valued at \$150,000.

The pathos and pain of the picture impressed Mr. Markham so that he was finally impelled to depict his impressions in his verses.

The thought of that bent figure was in my heart—that stunted and stolid peasant," said Mr. Markham once.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

The picture was painted by Millet in 1867, and was sold by him for a trifle. It changed hands several times. Mr. Crocker bought it in Paris at a private sale, with a number of other paintings from Durand-Ruel.

It was in his residence at 1150 California street, where he also had many other masterpieces and tapestries of rare value.

"The type of industrial depression in all lands and in all labor, I often stood before the picture absorbing the majesty of its despair, the tremendous import of its admonition. My poem, 'The Man With the Hoe,' is my soul's protest against the degradation of labor, the oppression of man by man."

GOOD COFFEE ALL THE TIME

There isn't any satisfaction in a cup of poor coffee—better pay a few cents more and get

HEWLETT'S

THREE CROWN

Fresh Utah Roasted Coffee

NO WHOLESALE KILLING

Refugee Says Reports of Shooting by Soldiers Are Exaggerated.

Joseph James, who was in the brokerage business in San Francisco when the earthquake visited that city, arrived in Salt Lake yesterday and is figuring on locating here. He escaped from the ruined city last Sunday. He says the reports of the shooting of men and women by the soldiers are exaggerated.

"I was in San Francisco until last Sunday and walked all over the burned district, and I did not see any man killed," said Mr. James yesterday. "Of course there was undoubtedly some killing done, but I do not believe there was as much as has been reported."

"I saw a soldier shoot over a man's head because the latter tried to break through the lines, and on another occasion a soldier shot through the window of a house above a woman's head because she refused to put out a light in her flat when she was ordered to do so by the sentry."

"I could tell you many stories of what took place in San Francisco during those five terrible days I spent there after the earthquake, but they would be repetitions of what your paper has already printed. All there is left for me to say is that the ruin of a once beautiful city is complete."

"I saw a soldier shoot over a man's head because the latter tried to break through the lines, and on another occasion a soldier shot through the window of a house above a woman's head because she refused to put out a light in her flat when she was ordered to do so by the sentry."

"I could tell you many stories of what took place in San Francisco during those five terrible days I spent there after the earthquake, but they would be repetitions of what your paper has already printed. All there is left for me to say is that the ruin of a once beautiful city is complete."

"I saw a soldier shoot over a man's head because the latter tried to break through the lines, and on another occasion a soldier shot through the window of a house above a woman's head because she refused to put out a light in her flat when she was ordered to do so by the sentry."

"I could tell you many stories of what took place in San Francisco during those five terrible days I spent there after the earthquake, but they would be repetitions of what your paper has already printed. All there is left for me to say is that the ruin of a once beautiful city is complete."

"I saw a soldier shoot over a man's head because the latter tried to break through the lines, and on another occasion a soldier shot through the window of a house above a woman's head because she refused to put out a light in her flat when she was ordered to do so by the sentry."

"I could tell you many stories